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Attorney Docket No. 080398.P347

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph C. Chan, et al.

Serial No.: 09/758,484

Filed: January 10, 2001

For: METHOD AND APPARATUS FOR VARIABLE
FRAME SIZE RADIOLINK PROTOCOL BASED
ON CHANNEL CONDITION ESTIMATION

Commissioner for Patents
and Trademarks
Washington, D.C. 20231

Examiner: Unassigned

Art Unit: 2661

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail with
sufficient postage in an envelope addressed to the Assistant
Commissioner for Patents, Washington, D. C. 20231 or

June 29, 2001
(Date of Deposit)

Beverly Kehoe Shea

(Printed name)

Beverly Kehoe Shea 6/29/01
(Signature) (Date)

AMENDMENT AND PETITION UNDER 37 C.F.R. §1.47(b)

Dear Sir:

The undersigned hereby respectfully requests and petitions that the enclosed Declaration be accepted under 37 C.F.R. §1.47(b). The Declaration is submitted to correct a defective Declaration and Power of Attorney that is lacking the signature of inventor Chi-ping Nee required under 37 C.F.R. §1.63.

The above-captioned application having Application No. 09/758,484 was filed on January 10, 2001 with an accompanying unsigned 37 C.F.R. §1.63 Declaration and Power of Attorney listing all of the named inventors: Joseph C. Chan, Chi-ping Nee, and Chinh Tran.

It is respectfully submitted that the error in the Declaration and Power of Attorney of the present patent application was made without any deceptive intent by anyone, including the actual inventors. It is further submitted that this

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PETITION UNDER 37 C.F.R. §1.47(b) is being diligently made. Numerous attempts have been made to contact inventor Chi-ping Nee.

Enclosed with this PETITION is a Declaration by Maria McCormack Sobrino and several exhibits outlining the details of the case and the attempts to get inventor Chi-ping Nee's signature on the enclosed Declaration and Power of Attorney. The signatures of the remaining two inventors, Joseph C. Chan and Chinh Tran, have been obtained and are being submitted in response to the Notice of Missing Parts, also enclosed herewith.

Enclosed is a check in the amount of \$130.00 in payment of the fee under 37 C.F.R. §1.17(h) .

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN



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